

HOUSE BILL 79
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2004 Regular Session
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(PRE-FILED)

By: **Delegates Impallaria and McDonough**

Requested: October 9, 2003

Introduced and read first time: January 14, 2004

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore County - Illegal Aliens - Detention Requirement**

3 FOR the purpose of requiring a Baltimore County police officer to detain an
4 undocumented alien under certain circumstances until the undocumented alien
5 is transferred to the custody of the Bureau of Citizenship and Immigration
6 Services of the United States Department of Homeland Security; requiring a
7 Baltimore County police officer to contact the Bureau of Citizenship and
8 Immigration Services of the United States Department of Homeland Security
9 when the police officer detains an undocumented alien; prohibiting a Baltimore
10 County police officer from searching for undocumented aliens for a certain
11 purpose; defining a certain term; and generally relating to undocumented
12 aliens.

13 BY repealing and reenacting, without amendments,
14 Article - Criminal Procedure
15 Section 2-101(c)
16 Annotated Code of Maryland
17 (2001 Volume and 2003 Supplement)

18 BY adding to
19 Article - Criminal Procedure
20 Section 2-108
21 Annotated Code of Maryland
22 (2001 Volume and 2003 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
24 MARYLAND, That the Laws of Maryland read as follows:

1

Article - Criminal Procedure

2 2-101.

3 (c) "Police officer" means a person who in an official capacity is authorized by
4 law to make arrests and is:

5 (1) a member of the Department of State Police;

6 (2) a member of the Police Department of Baltimore City;

7 (3) a member of the Baltimore City School Police Force;

8 (4) a member of the police department, bureau, or force of a county;

9 (5) a member of the police department, bureau, or force of a municipal
10 corporation;

11 (6) a member of the Maryland Transit Administration Police Force,
12 Maryland Port Administration Police Force, or Maryland Transportation Authority
13 Police Force;

14 (7) a member of the University of Maryland Police Force or Morgan State
15 University Police Force;

16 (8) a special police officer who is appointed to enforce the law and
17 maintain order on or protect property of the State or any of its units;

18 (9) a member of the Department of General Services security force;

19 (10) the sheriff of a county whose usual duties include the making of
20 arrests;

21 (11) a regularly employed deputy sheriff of a county who is compensated
22 by the county and whose usual duties include the making of arrests;

23 (12) a member of the Natural Resources Police Force of the Department of
24 Natural Resources;

25 (13) an authorized employee of the Field Enforcement Division of the
26 Comptroller's Office;

27 (14) a member of the Maryland-National Capital Park and Planning
28 Commission Park Police;

29 (15) a member of the Housing Authority of Baltimore City Police Force;

30 (16) a member of the Crofton Police Department;

31 (17) a member of the WMATA Metro Transit Police, subject to the
32 jurisdictional limitations under Article XVI, § 76 of the Washington Metropolitan

1 Area Transit Authority Compact, which is codified at § 10-204 of the Transportation
2 Article;

3 (18) a member of the Internal Investigative Unit of the Department;

4 (19) a member of the State Forest and Park Service Police Force of the
5 Department of Natural Resources;

6 (20) a member of the Department of Labor, Licensing, and Regulation
7 Police Force; or

8 (21) a member of the Washington Suburban Sanitary Commission Police
9 Force.

10 2-108.

11 (A) THIS SECTION APPLIES ONLY IN BALTIMORE COUNTY.

12 (B) A POLICE OFFICER:

13 (1) SHALL DETAIN AN UNDOCUMENTED ALIEN:

14 (I) WHOM THE POLICE OFFICER ENCOUNTERS IN THE NORMAL
15 COURSE OF THE OFFICER'S DUTIES IN BALTIMORE COUNTY AND WHO THE POLICE
16 OFFICER DETERMINES IS AN UNDOCUMENTED ALIEN;

17 (II) WHO IS THEREAFTER TAKEN INTO CUSTODY BY THE OFFICER;
18 AND

19 (III) UNTIL THE INDIVIDUAL TAKEN INTO CUSTODY IS
20 TRANSFERRED TO THE CUSTODY OF THE BUREAU OF CITIZENSHIP AND
21 IMMIGRATION SERVICES OF THE UNITED STATES DEPARTMENT OF HOMELAND
22 SECURITY; BUT

23 (2) MAY NOT SEARCH FOR UNDOCUMENTED ALIENS FOR THE SOLE
24 PURPOSE OF DETAINING THEM.

25 (C) A POLICE OFFICER SHALL INFORM THE BUREAU OF CITIZENSHIP AND
26 IMMIGRATION SERVICES OF THE UNITED STATES DEPARTMENT OF HOMELAND
27 SECURITY AS SOON AS POSSIBLE AFTER THE POLICE OFFICER HAS DETAINED AN
28 UNDOCUMENTED ALIEN.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
30 effect October 1, 2004.